

Message Text

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PAGE 01 TOKYO 08288 090854Z
ACTION EA-12

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CINCPAC HONOLULU HI

C O N F I D E N T I A L TOKYO 08288

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS
TAGS: PINT, JA
SUBJECT: SOCIALISTS AND COMMUNISTS ATTACK CHIEF JUSTICE

SUMMARY: SOCIALISTS (JSP) AND COMMUNISTS (JCP) HAVE
DEMANDED IMPEACHMENT OF SUPREME COURT CHIEF JUSTICE FOR
EXPRESSING APPROVAL OF PENDING LEGISLATION WHICH WOULD
ALLOW TRIALS TO PROCEED EVEN IF DEFENSE COUNSEL RESIGNS
TO DELAY THEM. ALTHOUGH IMPEACHMENT IS UNLIKELY, PASSAGE
OF BILL COULD WELL BE DELAYED UNTIL NEXT DIET SESSION.
END SUMMARY.

1. JSP AND JCP HAVE INSTITUTED FORMAL IMPEACHMENT PRO-
CEEDINGS AGAINST CHIEF JUSTICE OF SUPREME COURT, MASAO
OKAHARA. CAUSE FOR ACTION WAS OKAHARA'S STATEMENT TO
REPORTERS ON CONSTITUTION DAY, MAY 3, TO EFFECT THAT HE
FAVORED LDP-SPONSORED BILL WHICH WOULD ALLOW TRIALS TO
PROCEED IN CERTAIN CIRCUMSTANCES WITHOUT DEFENSE ATTORNEYS.
BILL IS AIMED AT SPEEDING UP TRIALS OF LEFTIST RADICALS
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PAGE 02 TOKYO 08288 090854Z

WHOSE LAWYERS IN RECENT YEARS HAVE RESIGNED FROM
CASES IN DELIBERATE AND USUALLY SUCCESSFUL ATTEMPTS TO
STALL LEGAL PROCEEDINGS. THAT TACTIC HAS CREATED LOGJAM
IN RADICAL-RELATED (E.G., NARITA AIRPORT, ANTI-JSDF, RED
ARMY) CASES NOW BEFORE COURTS. JUSTICE MINISTRY AND LDP
PROponents OF BILL LOOK ON IT AS PRACTICAL COUNTER-TACTIC
WHICH WOULD UNENCUMBER COURTS.

2. JSP AND JCP SPOKESMEN HAVE SAID THAT IN VOICING OPINION ON BILL PENDING BEFORE DIET, JUSTICE OKAHARA BLATANTLY TRESPASSED AGAINST CONSTITUTION'S SEPARATION OF POWERS. OFFENSE WAS COMPOUNDED, THEY ADDED, BY VIRTUAL CERTAINTY THAT SUPREME COURT WOULD BE ASKED TO RULE ON BILL'S CONSTITUTIONALITY IF PASSED INTO LAW. JSP CHAIRMAN ASUKATA, WHO HAS BEEN LOOKING FOR WAYS OF ASSERTING JSP'S SUPPOSED LEADERSHIP OF OPPOSITION FORCES, HAS TOLD PRESS THAT PARTY'S MOVES AGAINST OKAHARA ARE PART OF ITS LARGER CAMPAIGN TO PROTECT CONSTITUTION. (JSP HAS ANNOUNCED HOLDING OF MASS RALLY DEMANDING OKAHARA'S RESIGNATION OR IMPEACHMENT IN TOKYO ON MAY 9 WITH SOHYO UNION MEMBERS AS MAIN PARTICIPANTS.) JSP AND JCP HAVE ALSO ANNOUNCED THEY WILL STEP UP OPPOSITION TO BILL ITSELF WHICH IS NOW BEFORE JUDICIAL AFFAIRS COMMITTEE OF LOWER HOUSE.

3. SO FAR, ONLY REACTION TO OKAHARA STATEMENT FROM LDP QUARTERS HAS COME FROM EXECUTIVE BOARD CHAIRMAN NAKASONE. AFTER BRIEF PRIVATE MEETING WITH PRIMIN FUKUDA JUST AFTER LATTER'S RETURN FROM U.S. VISIT ON MAY 7, NAKASONE TOLD PRESS HE THOUGHT OKAHARA HAD SPOKEN AS AN ADMINISTRATOR, NOT AS JUDGE, AND ADDED HE THOUGHT GOJ-LDP WOULD SUPPORT OKAHARA.

4. COMMENT: IF NAKASONE STATEMENT IS INDICATION OF CONFIDENTIAL

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PAGE 03 TOKYO 08288 090854Z

ATTITUDE OF LDP LEADERSHIP, EXACERBATED CONFRONTATION OF LEFT VS. RIGHT OVER BOTH BILL AND CHIEF JUSTICE MIGHT DEVELOP WITH THREE MODERATE OPPOSITION PARTIES TEMPTED TO SIDE WITH LDP. THUS, DESPITE THEIR NOISE AND BLUSTER, JSP AND JCP HAVE LITTLE CHANCE OF ACTUALLY BRINGING ABOUT IMPEACHMENT OF CHIEF JUSTICE. TOGETHER THEY HAVE SIX OF TWENTY SEATS ON DIET'S SPECIAL IMPEACHMENT COMMITTEE, ENOUGH TO INITIATE INDICTMENT PROCEEDINGS, BUT FAR FEWER THAN TWO-THIRDS VOTE REQUIRED FOR IMPEACHMENT. BUT THEIR RESISTANCE TO PASSAGE OF BILL ITSELF WILL BE DETERMINED AND COULD WELL FORCE LDP TO CARRY IT OVER TO NEXT SESSION OF DIET. MANSFIELD

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